



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

AUG 20 1999

7046 '99 AUG 23 P1:15

Mr. Garret Spillane
831 Bay Ridge Avenue
Annapolis, Maryland 21403

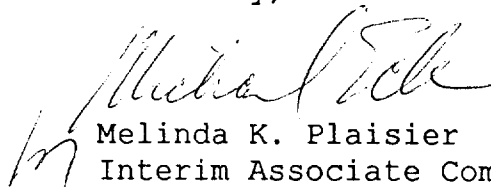
Dear Mr. Spillane:

Thank you for your letter of April 19, 1999, addressed to Senator Barbara A. Mikulski concerning the petition for a performance standard for *Vibrio vulnificus* in shellfish filed with the Food and Drug Administration (FDA or the Agency) by the Center for Science in the Public Interest. Senator Mikulski has asked us to respond directly to you. As you may know, FDA published a request for comments on this petition in the Federal Register of January 21, 1999. We have enclosed a copy for your reference.

You oppose the petition and believe that eating raw seafood is a discretionary food choice. We appreciate you bringing your comments to our attention and we have entered them into the Administrative Record for this petition. Your comments will be reviewed in the Agency's deliberations on this petition.

We trust this information responds to your concerns.

Sincerely,



Melinda K. Plaisier
Interim Associate Commissioner
for Legislation

Enclosure
Federal Register, January 21, 1999

98P-0504

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cc: The Honorable Barbara A. Mikulski
United States Senate
Washington, D.C. 20510-4704

Dockets Management Branch ✓
(Docket No. 98P-0504)

BARBARA A. MIKULSKI
MARYLAND

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United States Senate
WASHINGTON, DC 20510-2003

July 29, 1999

Ms. Diane Thompson
Assoc. Commissioner for Legislative Affs.
Dept. of Health & Human Services
Food and Drug Administration
5600 Fishers Ln. 1555 Parklawn Bldg.
Rockville, Maryland 20857

Dear Diane:

I am writing to request your consideration of the attached correspondence from Mr. Garret Spillane. Please respond directly to Mr. Spillano and send a copy to Ms. Emily Gilbert of my staff. If you have any questions, please call Ms. Gilbert at (202) 224-4654.

Thank you for your assistance.

Sincerely,



Barbara A. Mikulski
United States Senator

BAM:efg
Enclosure

No 99-5238

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Garrett Spillane
831 Bay Ridge Avenue
Annapolis Maryland 21403

April 19, 1999

Dear Sir,

It has come to my attention that there are discussions at the FDA regarding the required the pastuerization of all seafood, even oysters. This is being handled by a Mr. William Hubbard, whose fax number is 301-827-6870, docket 98P 0504.

I strongly believe this regulation has not been properly considered and will jeopardize the fishing industry and restaurants in the Chesapeake and other American coastal areas.

This is the same sort of badly structured logic that caused the devastation of the boat manufacturing business in the U.S. with the luxury tax, which only made European boat builders rich at our expense. No one seems to care that this fragile "water front" population will be very hurt by this ill-conceived measure.

Eating raw seafood is a discretionary food choice. According to the FDA people can legally smoke, which is discretionary. The FDA permits discretionary alcohol intake with only a warning. Cigarettes and alcohol kill directly and indirectly more people than raw seafood ever will. Please try to get the FDA to put this into perspective.

This measure is in response to a "pressure" group, and I suggest a simpler solution, "Let them cook their own oysters, not mine."

On a more serious note, will you please look into this matter and let me know what actions you think might be taken against it?

Please let me hear from you immediately, as the matter is being acted upon April 21st.

Sincerely,



Garrett Spillane
phone 410-267-6408